

TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1200 PLD



Project Name: EASTMAN INFILL SHORT PLAT

Case Numbers: PLD2009-00052; SEP2009-00089;
EVR2009-00048; GEO2009-00021

Location: 5007 NW Columbia Street

Request: The applicant requests approval to divide 0.47 acres into 3 lots in the Single-family Residential (R1-7.5) zone. Included is a road modification request to waive the requirement to construct improvements for NW Washington Street, abutting the site on the east.

Applicant: Cascade Field Services
13414 NW 39th Avenue
Vancouver, WA 98685
(360)931-4680
CascadeFS@comcast.net

Contact Person: Same as applicant

Property Owners: Gary & Tammy Eastman
PO Box 1478
Ridgefield, WA 98642

DECISION

Approved, subject to Conditions

Development Services Manager: *MS* **Date Issued:** January 7, 2010

County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer: (Trans. & Stormwater):	Brad Hazen	4346	Brad.hazen@clark.wa.gov
Manager:	Mike Butts	4137	Michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Sue Stepan	4064	Sue.stepan@clark.wa.gov
Fire Marshal:	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Single-family Residential (R1-7.5)

Parcel Number: Parcel (101930) located in the NW Quarter of Section 15, Township 2 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code 15.12 (Fire Prevention); Title 24 (Public Health); 40.220.010 (Single-Family Residential Districts); 40.260.110 (Residential Infill); 40.350 (Transportation); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.430. (Geologic Hazard Areas); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

West Hazel Dell Neighborhood Association

Ila Stanek

500 NW Wildwood

Vancouver, WA 98665

(360) 573-7376

E-mail: ilastanek@hotmail.com

Time Limits:

The application was determined to be fully complete on October 23, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on January 9, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on February 20, 2010.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the

application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 9, 2009. The pre-application was determined to qualify for contingent vesting as of March 16, 2009, the date the pre-application was submitted.

The fully complete application was submitted on October 9, 2009 and determined to be fully complete on October 23, 2009. Given these facts the application is vested on March 16, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the West Hazel Dell Neighborhood Association, SEPA agencies, and owners of property located within 300 feet of the site on November 6, 2009.

Public Comments:

Two public comment letters were received by the county in response to the public notice, as follows:

1. Received on November 19, 2009 from Johnson Meninick, Yakama Tribe (Exhibit #7). The letter expresses concern for any cultural and archaeological resources that may be located on the site. Discovery of any evidence of such resources must be reported.

Staff Response

The county's archaeological predictive maps rate the site has having low (0-20%) probability for containing artifacts. However, a statement regarding inadvertent discovery will be required on the construction plans. (see Condition A-1.a.)

2. Received on November 20, 2009 from the Washington Department of Ecology (Exhibit #6). The DOE letter states that there are no known contaminated sites within a half mile of the project site; however, if contamination is discovered at the site during development, it must be reported to Ecology's Southwest Regional Office.

In demolishing the existing structure, the applicant is advised to ensure that asbestos and any other potentially hazardous materials are removed and properly disposed prior to demolition. Reuse, recycling, and environmentally friendly landscaping practices are recommended.

The letter also cites state water quality regulations and states that erosion control measures must be in place prior to any clearing, grading, or construction. It cites recommended measures to prevent contamination of surface water by erosion and sediment-laden runoff. It also advises that construction debris shall not cause water quality degradation and provides guidelines for identifying clearing limits, stabilizing denuded areas, and preventing tracking of sediment by construction vehicles. An NPDES permit is required if the project will disturb one or more acres of soil surface area and discharge stormwater to surface waters or a storm sewer. The letter provides contact and application information.

Staff Response

The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. Compliance with the county Stormwater and Erosion Control ordinance will prevent adverse impacts off site. The county will review and monitor implementation of the applicant's erosion control plan. Erosion control measures will be monitored by county inspection staff during construction of the project.

Project Overview

The subject parcel is 0.47 acres and contains an existing mobile home and detached garage. All existing structures will be removed and the property divided into three lots under infill design standards. Although the county's infill ordinance was repealed by the Board of County Commissioners in June, 2009, this application is vested prior to that date.

The site is bounded on the west by NW Columbia Street and on the east by NW Washington Street. Current and proposed access is provided from Columbia Street because the site slopes steeply down to Washington Street on the east. A 20-foot access easement is proposed along the north property boundary to serve lots 2 & 3.

The southeast portion of the site contains trees and shrubs, and the remainder is open and grass covered.

The site is surrounded by residential lots containing single-family houses.

The site is located within the Vancouver School District, Park District 1, and Fire District #6.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Direction	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	Single-family Residential (R1-7.5)	Residential

Direction	Comp Plan	Zoning	Current Land Use
North	Urban Low Density Residential	Single-family Residential (R1-7.5)	Residential
East	Urban Low Density Residential	Single-family Residential (R1-7.5)	Residential
South	Urban Low Density Residential	Single-family Residential (R1-7.5)	Residential
West	Urban Low Density Residential	Single-family Residential (R-6)	Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:

Finding 1 Infill Standards

This short plat is proposed under Tier 2 Infill standards, in accordance with CCC 40.260.110. The site meets the infill eligibility criteria in CCC 40.260.110(B) because it does not exceed 2.5 acres and has existing urban development on more than 50% of its non-street perimeter.

The average lot area of the proposal is 6,736 square feet, which meets the Tier 2 standards for the R1-7.5 zone of a minimum 6,000 square feet. The density of the proposal is 6.47 units per acre, which is within the maximum density of 7.3 units per acre for Tier 2 developments in the R1-7.5 zone.

The infill ordinance provides for reduced front setback standards, which are a minimum of 18 feet for the garage door and 10 feet for other parts of the dwelling. The minimum rear setback for Tier 2 lots whose rear lot line abuts other parcels containing existing dwellings is 10 feet, which is the applicable rear setback for all 3 proposed lots. The minimum side setback is five feet and the minimum street side setback (applicable to Lot 1) is 10 feet, same as the normal R1-7.5 standards. The maximum permitted lot coverage by buildings is sixty percent (60%), and the maximum building height is 35 feet.

Compliance with setbacks, lot coverage, and building height standards will be reviewed in conjunction with the future building permit for each lot.

Subsection (F)(1) requires that the applicable infill development standards shall be recorded as a deed restriction with the final plat as a condition of approval. (see Condition D-2.a.)

Finding 2 Plat Boundaries

The applicant's existing conditions survey (Exhibit #2, Tab 8) identifies some discrepancies between the surveyed parcel boundaries and some existing fence lines. In order to prevent plat boundaries from being contested by neighboring property owners through adverse possession claims after a plat is recorded (requiring a plat alteration), it is the county's policy to address these discrepancies at the time of preliminary plat review. Fence encroachments within plat boundaries may be resolved by one of the following means:

- The owner of the property being platted may deed the area beyond the fence to the neighboring property owner through a boundary line adjustment/quit claim deed.
- Record a document signed by the other property owners stating that they recognize that it is not their property and will not attempt to take that property through an adverse possession claim.
- If the neighbor will not accept a quit claim and will not sign an agreement to relinquish any claim, the final plat may show the gross area (to the deed line) and show the net area (to the fence or other encroached area) with the provision that the net area will meet minimum lot size and dimensions in the event of loss of the disputed area. This option should be of last resort and only after the other options fail. A plat alteration process could still be required if platted property is lost.

A fence encroachment along the east property boundary is already resolved by a recorded boundary line adjustment (Exhibit #2, Tab 7) wherein the property owners quit claim the property east of the fence to the abutting property owner, and by dedicating right-of-way for NW Washington Street abutting the site on the east.

The applicant states in Exhibit #9, with regard to the fence encroachment along the south property boundary, that in the event of the loss of the encroachment area, all lots within the proposed plat can be adjusted to meet the applicable minimum lot size and dimensional requirements. (see Condition D-1)

Finding 3 Neighborhood Meeting

Under Tier 2 infill requirements, a neighborhood meeting organized by the applicant is required to be held prior to submittal of the subdivision application. The meeting shall be held in accordance with the criteria in CCC 40.260.110(I)(1) and the administrative guidelines approved by the Community Development Director.

The applicant has submitted the documentation required for verification of the neighborhood meeting (see Exhibit #2, Tab 19).

Finding 4 Existing Structures

The existing structures that are proposed to be removed require a demolition permit, and asbestos control inspection requirements and regulations apply. The applicant should contact the Southwest Clean Air Agency regarding asbestos inspection and abatement requirements. (see Condition B-1.a.)

Finding 5 Safe Walking Conditions

This site is within walking distance of Ben Franklin Elementary School and Discovery Middle School. The applicant has submitted a letter from the Vancouver School District (Exhibit #2, Tab 17) indicating that students from this site will walk to these schools unless there are unsafe walking conditions.

In accordance with RCW 58.17.110, safe walking conditions for students who walk to school is a factor the county must consider in approving this land division.

As indicated in the correspondence with Vancouver School District staff contained in Exhibit #9, the district considers the existing walking conditions for these students to be safe.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 6 Roads

NW Columbia Street is classified as an Urban Local Access road with a total of 46 feet of right-of-way and a total of 28 feet roadway width. The applicant is responsible for 23-foot half-width right-of-way dedication and a 14-foot half-width roadway with concrete curb/gutter and sidewalk along the frontage of NW Columbia Street. A 25-foot half-width right-of-way exist, therefore, additional dedication is not required. (see Condition 2.a.)

NW Washington Street is classified as an Urban Local Access roadway with a total of 46 feet of right-of-way and a total of 28 feet roadway width. The applicant is responsible for 29-foot partial-width right-of-way and a 20-foot partial-width roadway with concrete curb/gutter and sidewalk along the frontage of the extension of NW Washington Street. The applicant has submitted a Minor Road Modification application requesting not to dedicate right-of-way and not to construct frontage. (Refer to Finding 9 below.)

Finding 7 Access

The applicant proposes to access all three lots via a joint driveway onto NW Columbia Street. The joint driveway shall have a minimum width of 12 feet of clear, unobstructed driving surface. The joint driveway shall have a minimum 20-foot wide easement established over the driveway. (see Conditions A-2.b. & D-2.f.)

Finding 8 Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. The final engineering plans shall show sight distance triangles for the joint driveway. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. (see Condition A-2.c.)

Finding 9 Road Modifications

The applicant requests a minor road modification to eliminate right-of-way dedication and frontage improvements along NW Washington Street per criteria 2 and 3 below from CCC 40.550.010(D):

1. *The existing road frontage is not constructed to the current transportation standards but determined to meet operational and safety criteria.*
2. *Improvements to roads that abut a development site may not be required if the development cannot access the road due to topographic constraints and the development sends no trips through these roads. A traffic study including trip distribution analysis may be required.*
3. *For residential developments which generate no more than twenty (20) new ADT, the cost of the required improvements per average daily trip generated*

by the development is shown to be disproportional to the requirements imposed by the county for other approved projects.

- 4. For frontage improvements along roads abutting small residential developments, if the street block face (including the subject parcel) has no frontage improvements or is unlikely to subdivide, the subject development may not be required to provide full frontage improvements. For purposes of exempting frontage improvements, the predominant condition of the street block face shall be defined by considering the existing frontage condition for all parcels fronting the half-street. If less than fifty percent (50%) of the street block face (including the subject parcel) have frontage improvements, or are unlikely to subdivide, the subject development shall not be required to provide full frontage improvements. Where fifty percent (50%) or more have full street frontage improvements, or are likely to subdivide, half-street frontage improvements shall be required.*
- 5. Minor road modifications shall not be granted if found to be inconsistent with the requirement to provide safe walking conditions to schools as required by RCW 58.17.110.*

Staff concurs that the applicant has provided sufficient justification (Exhibit #2, Tab 15) to eliminate the frontage improvements for NW Washington Street. Staff, therefore, has recommended Approval of the road modification request, subject to conditions. The County Engineer has approved the road modification request (Exhibit #11).

Right-of-way dedication is required. (see Condition A-2.d.)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 10 Applicability

This project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations. The proposed amount of new impervious area that will be created is greater than 5,000 square feet; therefore CCC 40.380.040(b) and CCC 40.380.040(C) apply.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 11 Stormwater Proposal

The applicant has submitted a preliminary stormwater report that indicates water quality management is addressed with a proposed StormFilter (Contech Stormwater Solutions) and water quantity management is addressed with a proposed infiltration system. The applicant's geotechnical engineer has submitted his report dated September 30th, 2009, which states the following: "Based on our experience with similar soils, it is our opinion that a permeability of 15 inches per hour may be used for preliminary sizing of infiltration systems. Appropriate correction factors should be applied based on County requirements. Additionally, prior to or at the time of construction, field testing should be completed at the location of the proposed infiltration system to confirm the design rate."

The applicants engineer is also relying on a geotechnical report done by Columbia West Engineering approximately 1,000 feet to the south of this site that obtained infiltration rate of 48 inches per hour (Washington Street Short Plat). This information complies with the Stormwater Code as long as infiltration tests at the proposed infiltration site are performed to determine the specific design rate. (see Condition A-4.a.)

During construction infiltration tests shall be conducted at both locations where infiltration is proposed to confirm the design infiltration rates. If the infiltration rates are lower than design the engineer shall redesign the stormwater system. (see Condition C-1)

An overflow system or a route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails. (see Condition A-4.b.)

Finding 12 Stormwater Facility Location

The applicant has proposed a drywell within the public roadway. This is not allowed per stormwater code CCC 40.380. Therefore, the applicant shall move this drywell to comply with County Code which states, "control facilities in urban residential subdivisions and short plats shall be located on separate tracts". The drywell, if publicly owned, shall be located on a separate tract. If privately owned, the drywell can be located within an easement that allows for county access and inspection. (see Condition A-4.c.)

The stormwater control facilities for NW Columbia Street will be publicly owned and maintained. Onsite stormwater systems for the joint driveway and individual downspout infiltration system will be privately owned and maintained by the homeowners. (see Conditions D-2.d. & e.)

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes

that the proposed preliminary stormwater plan is feasible, subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

GEOLOGIC HAZARD AREAS:

Finding 13 Applicability

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The applicant has provided a Geological Hazards Evaluation Report by Geo Design Inc. dated September 30, 2009. The geotechnical engineer has stated that the building setback from the top of slope shall be a minimum of 14 feet back from top of the slope and infiltration trenches shall be placed back a minimum of 25 feet from of top of slope. (see Condition D-4)

FIRE PROTECTION:¹

Finding 14 Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site.

Finding 15 Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of existing fire hydrants is adequate.

Finding 16 Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (see Condition A-6.a.)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 17 Utilities

The site will be served by the City of Vancouver for public water and sewer. The applicant submitted a utility review from the city confirm that services are available to the site and stating the connection requirements. Prior to final plat approval, the

¹ This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

applicant shall provide documentation from the city verifying that utility connections to the new lots have been installed and approved. (see Condition D-5)

Finding 18 Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition A-7)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified below under Conditions of Approval, meets or can meet the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 19 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

The site is within:

- Vancouver School District, with a SIF of \$1,112.00 per dwelling
- Park District #1, with a PIF of \$2,133.00 per dwelling (\$1,693 for park acquisition / \$440 for park development).
- Hazel Dell subarea with a TIF of \$3,668.66 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each new lot; provided that one lot, to be identified on the face of the final plat, shall be exempt in exchange for the existing dwelling being removed.

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions D-2.g. & E-1)

CLARK COUNTY, OREGON
PLAT 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 6, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person: Alan Boguslawski, (360) 397-2375, ext. 4921.

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan (identified as Exhibit #1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction Review for Land Division Review & Approval Authority: Development Engineering
----------	---

A-1 Final Construction Plan - The applicant shall submit and obtain County approval of a final construction plan with the following:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (see Finding 8)

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. Prior to final plat approval, the applicant shall construct a 14-foot half-width roadway with concrete curb/gutter and sidewalk along the site frontage of NW Columbia Street per the approved engineering drawings and standard drawing # 14. (see Finding 6)
- b. The applicant shall establish a minimum 20 foot wide joint driveway easement over lots 1 and 2. All new driveways and joint driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. (see Finding 7)
- c. Prior to final plat approval the engineer shall show 250 feet of sight distance triangles at the joint driveway onto NW Columbia Street on the engineering drawings per CCC 40.350.030(B)(8). (see Finding 8)
- d. The applicant shall dedicate a 23-foot half-width right-of-way along the frontage of NW Washington Street for a future extension of the roadway. (see Finding 9)

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall submit infiltration investigation report. The report shall include the tested infiltration rates at the location of the stormwater facilities and laboratory analysis based on AASHTO Specification M145. (see Finding 11)

- b. An overflow route shall be identified for stormwater flows that overtop the facility when infiltration capacity is exceeded or the facility becomes plugged and fails. (see Finding 11)
- c. Prior to final engineering plan approval, the engineer shall relocate the drywell from NW Columbia Street to a separate tract dedicated to the county. Alternatively, the applicant may utilize a privately maintained storm water facility and locate it within an easement provided that the easement allows for access and inspection by Clark County. The private stormwater facility must be maintained by the lot owners within the development. (see Finding 12)

A-5 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

A-6 Fire Marshal Requirements:

- a. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (see Finding 16)

A-7 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (see Condition 18)

A-8 Excavation and Grading - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
----------	---

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County, and:

- a. **Demolition Permit** - The applicant shall obtain a demolition permit from the Clark County Building Department prior to removal of any existing structures. (see Finding 4)

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
----------	--

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

C-1 Stormwater:

The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. If the infiltration rates are lower than design the engineer shall redesign the stormwater system. The timing of representative infiltration tests will be determined at the pre-construction conference. (see Finding 11)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
----------	---

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Plat Boundaries – The applicant shall provide acceptable documentation to Development Services planning staff verifying that the fence encroachment along the south property boundary has been resolved by one of the following means:

- The owner of the property being platted may deed the area beyond the fence to the neighboring property owner through a boundary line adjustment/quit claim deed.
- Record a document signed by the other property owners stating that they recognize that it is not their property and will not attempt to take that property through an adverse possession claim.
- If the neighbor will not accept a quit claim and will not sign an agreement to relinquish any claim, the final plat may show the gross area (to the deed line) and show the net area (to the fence or other encroached area) with the provision that the net area will meet minimum lot size and dimensions in the event of loss of the disputed area. This option should be of last resort and

only after the other options fail. A plat alteration process could still be required if platted property is lost.
(see Finding 2)

D-2 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Development on Infill Parcels: “All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County (see Finding 1):
 - a. 10 feet – minimum rear setback
 - b. 10 feet – minimum front setback; except,
 - c. 18 feet – minimum garage door setback
 - d. 5 feet – minimum side setback
 - e. 10 feet – minimum street side setback (applicable to Lot 1)
 - f. 60% - maximum lot coverage”
- b. Critical Aquifer Recharge Areas: “The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection.”
- c. Erosion Control: “Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction.”
- d. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (see Finding 12)

- e. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (see Finding 12)
- f. Responsibility for Driveway Maintenance:
A joint driveway maintenance agreement shall be submitted prior to issuance of final plat approval. (see Finding 7)
- g. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this short plat (except for one lot to be identified on the final plat as exempt) are: \$1,112.00 (Vancouver School District), \$2,133.00 (\$1,693 - Acquisition; \$440 - Development for Park District #1), and \$3,668.66 (Hazel Dell TIF Subarea), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 19)

D-3 Plat Notes - The following notes shall be placed on the final plat:

- a. Mobile Homes: "In accordance with the provisions of CCC 40.260.130, mobile homes are prohibited on the lots in this plat."
- b. Archaeology: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-4 Geologic Hazard Areas – The geotechnical engineer's recommended setbacks shall be shown on the plat as follows: The building setback shall be a minimum of 14 feet back from the top of slope, and infiltration trenches shall be placed back a minimum of 25 feet from the top of slope. (see Finding 13)

D-5 Utilities – Prior to final plat approval, water and sewer connections shall be installed by the developer and approved by the City of Vancouver. (see Finding 17)

E Building Permits**Review & Approval Authority: Customer Service**

Prior to issuance of building permits for Lots 2 & 3 the following conditions shall be met:

E-1 Impact Fees – The applicant shall pay impact fees as follows:

- a. \$1,112.00 per dwelling for School Impact Fees (Vancouver School Dist.)
- b. \$2,133.00 per dwelling for Park Impact Fees (\$1,693 for park acquisition / \$440 for park development).
- c. \$3,668.66 per dwelling for Traffic Impact Fees (Hazel Dell TIF District)

If the building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 19)

F Occupancy Permits**Review & Approval Authority: Building**

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G Development Review Timelines & Advisory Information**Review & Approval Authority: None - Advisory to Applicant**

G-1 Within 5 years of preliminary plat approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall contact DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
----------	--

H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on January 7, 2010. Therefore any appeal must be received in this office by January 21, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

Attachments:

- Copy of Proposed Preliminary Plan
-

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		
-On-site landscape plan		X
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks Established at Preliminary Plan Review

Project Name: Eastman Infill Short Plat

Case Number: PLD2009-00052

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

Setback Requirements by Lot

Lot Number(s)	Front Setback	Garage Setback	Rear Setback	Side Setback	Street-side Setback
1	10'	15'	10'	5'	10'
2 & 3	10'	15'	10'	5'	N/A

DB444444 FILE: 000771904

